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Paper No. 7

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In re Application of
G. Balan, Donald, D. Balan, Aldea, and DeSouza
Application No. 10/051,284
Filed: January 22, 2002
Attorney Docket No. 45401-56
For: HYDROGEN GENERATING APPARATUS AND
COMPONENTS THEREFOR

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AIRMAIL

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OFFICE OF PETITIONS

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed August 26, 2002, and received in the Office of Petitions on October 31, 2002.

The petition under 37 CFR 1.47(a) is **dismissed**.

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." Failure to respond will result in abandonment of the application. Extensions of time are available and will be governed by 37 CFR 1.136(a).

The instant petition was filed in response to the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), mailed February 26, 2002, which indicated that the filing fee had not been paid, that a signed oath or declaration was missing, and that a surcharge of \$65.00 was due, consequently. The Notice set forth an extendable period for reply of two months from its mailing date. On August 26, 2002, in response to the Notice, petitioner filed the instant petition and a "Combined Declaration and Power of Attorney." Petitioner also remitted the \$130.00 surcharge and the filing fee.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and,
- (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks items (2) and (4).

As to item (2), the declaration filed was improper as there is no signature or citizenship provided for inventor Eugene Aldea. Any rendered petition filed must provide a declaration that provides this information inventor Aldea, or provides proof that inventor Aldea cannot be reached or refuses to sign the oath or declaration..

As to item (4), petitioner did not provide a statement of last known address for the nonsigning inventors. *The Manual of Patent Examining Procedure* ("MPEP"), Section 409.03(e) states, in pertinent part, that [a]n application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning

inventor." The instant petition did not provide the last known addresses for inventor DeSouza or inventor Aldea. Any renewed petition filed must provide the last known address for inventors DeSouza and Aldea.

Deposit account 02-2057 will be assessed \$130.00 for the instant petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, DC 20231

By FAX: (703) 308-6916
 Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, Virginia

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
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Office of Petitions